

### **REMARKS**

Claims 1-3 are now pending in the application. Claims 1 and 2 have been amended. New Claim 3 has been added. Minor amendments have been made to the specification and claims to simply overcome the objections to the specification and rejections of the claims under 35 U.S.C. § 112. The amendments to the claims contained herein are of equivalent scope as originally filed and, thus, are not a narrowing amendment. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

### **OBJECTION TO THE SPECIFICATION**

The Examiner noted that the current specification contained awkward syntax and idiomatic errors. Applicant includes herewith an Attachment for Specification Amendments showing a marked up version of each replacement paragraph. Withdrawal of the objection is respectfully requested.

**REJECTION UNDER 35 U.S.C. § 112**

Regarding Claim 1, the phrase "if necessary" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. The claim has been amended to overcome the rejection. Reconsideration of the rejection is respectfully requested.

**REJECTION UNDER 35 U.S.C. § 103**

Claims 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 8266261 (Abstract). Claim 1 has been amended to define that the cigarette comprises of Ginkgo biloba L. leaves as its burnable material. The use of Ginkgo biloba L. leaves as the cigarette's burnable material reduces the amount of nicotine, thus providing a cigarette that produces less nicotine when consumed. In the case of a 100% Ginkgo biloba L. leave cigarette, there is no nicotine which is produced by the burning of the cigarette. JP 8266261 discloses a filter which has Ginkgo stored inside. The purpose of the filter is to decrease the foul smell of the burning cigarette and reduce the effects of the smoke or nearby non-smoking people. Nothing in the Japanese reference discloses, teaches or suggests the incorporation of Ginkgo biloba L. leaves as the burnable material to reduce or eliminate the nicotine created by burning of the cigarette.

Thus, Applicant believes Claim 1, as amended, patentably distinguishes over the art of record. Likewise, Claims 2 and 3, which ultimately depend from Claim 1, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

### CONCLUSION


It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated:

December 16, 2001

By:

  
Michael J. Schmidt  
Reg. No. 34,007

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

## **ATTACHMENT FOR SPECIFICATION AMENDMENTS**

The following is a marked up version of each replacement paragraph and/or section of the specification in which underlines indicates insertions and brackets indicate deletions.

Please replace paragraph beginning on Page 1, lines 3-5 with the following:

This invention relates to a kind of cigarette substitute, particularly, a Ginkgo biloba L. leaves cigarette in order to provide a new kind of cigarette for society.

Please replace paragraph beginning on Page 1, lines 9-16 with the following:

While all the governments of the world are advocating quitting smoking and making laws to limit the producing and selling of cigarettes, scientists and tobacco technicians are making efforts to study how to lessen the cigarette's harm and develop low harm or harmless cigarettes. It is because of the fact that there are too many smokers, the complete prohibition of smoking has achieved little effect. On social effect and economic return, the contradictions, smoking and health, are still existing.

Please replace the paragraph beginning on Page 1, line 17 through Page 2, line 3 with the following:

In the field of production, the filter technology is usually adopted to eliminate the poisonous substances from cigarettes. Most kinds of cigarette filters are made of active charcoal fibre or vinegar acidity fibre (see CN2174854Y and CN/088763A). Another method is in connection with the cut tobacco itself. That is, to treat the cut tobacco by a special process (see CN 1045515A).

Please replace the paragraph beginning on Page 2, lines 6-17 with the following:

To prevent and cure diseases, people have so far developed an Argy wormwood leaf cigarette, a Tea cigarette, a Fiveleaf Gynostemma Herb cigarettes and a mixed herbal cigarette which is produced by adding eucalyptus, Dogbance leaf, Pilose Asiabell Root, Wild Mint Herb, Slenderstyle Acanthopanax Root-bark, Changbai Ginseng, Fritillary Bulb, Milkvetch Root, Tremella, Lucid Ganoderma, Radish, Dwarf Lilyturf Tuber, Tall Gastraodia Tuber, Eucommia Bark, Hempleaf Negundo Chastetree, Coral and Ginger into tobacco. However, these cigarettes are not satisfactory [in]with respect [of]to cost, medical effect, and low poisonousness. People are trying to develop a new kind of cigarette substitute which is satisfactory in the respects of cost, taste and poisonousness.

Please replace the paragraph beginning on Page 2, line 18 through Page 4, line 4 with the following:

Ginkgo biloba L., which is dioecious, is of gymnosperm. It originally [grows]grew in China. Ginkgo biloba L. is the oldest tree species in the world, even older than

the dinosaur, so it is called a a "live fossil". It has great vitality. In 1966 German scientist W. Schwabe discovered that Ginkgo biloba L Leaves contain some active substances- Flavonoids and Ginkgolide, which can prevent and care for angiocardopathy and nerve system diseases. From then on, the modern study on Ginkgobiloba L. Leaves' pharmacological property and application began. Scientific [researches]researchers proved that Ginkgo biloba L. leaves contain a large amount of flavonoids and Ginkgolide A, B and C. Flavonoides are especially effective in curing angiocardopathy and are widely used at present. The can make the sclerosed blood vessels recover elasticity, improve the brittleness of blood vessels, dilate blood vessels and prevent the atrophy of organ functions caused by the bad circulation of blood. Ginkgolide is a specific platelet activating factor antagonist. (PAF is one of the mediums of the paroxysm of many diseases.) It has the functions of making blood active and minimizing the cholesterin content in blood. It also can be used to prevent and cure the allergic diseases of breath tract. Bilobalide can straighten out cranial nerve streak and has the functions of refreshing, resisting fatigue and intensifying memory. In 1991, a Harvard scholar won the Nobel Prize for successfully synthesizing Bilobalide in a laboratory. Scientists and medical experts have proved by animal experiments that many pharmaceutical substances in Ginkgo biloba L. leaves have important effects on deterring senescence and resisting diseases. Therefore, many developed countries such as America, Korea and some European countries are speeding up to develop Ginkgo biloba Extract.

Please replace the paragraph beginning on Page 4, lines 3-6 with the followings:

In China, several kinds of Ginkgo biloba medicines have been developed. China is the main producing country of Ginkgo biloba L. leaves[, and however]. However, the development on Ginkgo biloba L. leaves product is still in its beginning stages.

Please replace the paragraph beginning on Page 4, lines 7-11 with the followings:

Ginkgo biloba L. leaves contain plentiful fibres. The cigarette substitute made of dry Ginkgo biloba L. leaves burns continuously and fully. Its ashes are white and fine. Its smoke is soft and dense. [It]Its taste is good and its smell is fragrant and sweet. Its pharmaceutical active ingredients volatilize continuously at the same time of burning.

Please replace the paragraph beginning on Page 4, line 12 through Page 5, line 2 with the following:

As a cigarette substitute, the Ginkgo biloba L. leaves cigarette also has obvious function of refreshing, but its principle is different from that of the ordinary cigarette. The smoke of the ordinary cigarette contains nicotine which can stimulate brain nerves[ to be excited,] and make people become addicted to it. The smoke of Ginkgo biloba L. leaves cigarette contains Bilobalide and other pharmaceutical active ingredients which can stimulate the brain nerve and straighten out the cranial nerve system, thus having function of refreshing and resisting fatigue. It doesn't contain any nicotine at all. Therefore, the Ginkgo biloba L. leaves cigarette is not only an excellent cigarette substitute, but also an ideal product for

quitting smoking. A tobacco addict can successfully quit smoking with no agony by smoking Ginkgo biloba L. cigarette.

Please replace paragraph beginning on Page 5, lines 3-7 with the following:

In view of the above-mentioned factors, Ginkgo biloba L. leaves can ~~[do]~~be good ~~[to]~~for human bodies. It contains the pharmaceutical active ingredients which can volatilize easily and its smokable property is similar to tobacco cigarette, so it is hopeful ~~[to]~~that it will take the place of the cigarette which contains nicotine.

Please replace the paragraph beginning on Page 5, lines 8-13 with the following:

A poisonousness-reduced cigarette and its producing process are disclosed in reference CN1140036A. This kind of cigarette contains the solution extract of Ginkgo biloba L. leaves, Leech, Szechwan Lovage Rhizome and three other ~~[three]~~ substances. What is worth mentioning is that the substances mentioned above are sprayed onto the cut tobacco in the form of a solution.

Please replace the paragraph beginning on Page 5, lines 14-21 with the following:

After the long-period study of the inventor, a kind of Ginkgo biloba L. leaves cigarette has been developed. The raw material is Ginkgo biloba L. leaves, containing little or no tobacco. Therefore it is good ~~[to]~~for people's health and is completely different from the cigarette introduced in reference CN1140036A. As mentioned above, the cigarette's raw



material of the latter is tobacco, and the solution extract is sprayed onto its surface. It is obvious that the nicotine content can not be lowered at all.

Please replace the paragraph beginning on Page 6, lines 2-9 with the following:

The object of this invention is to produce a Ginkgo biloba L. leaves cigarette using Ginkgo biloba L. leaves and to provide people with a kind of cigarette substitute which has the functions of the ordinary cigarette, while it is good[~~to~~]for people's health. It will help people [~~to go far~~]get away from tobacco and avoid the harm brought by smoking. Ginkgo biloba L. leaves are the main material of this kind of cigarette, and, if necessary, tobacco or other tobacco-used herbs can optionally be added therein according to special requirements.

Please replace paragraph beginning on Page 6, lines 11-15 with the following:

One embodiment of this invention is to pick fresh Ginkgo biloba L. leaves from trees, process them into threads, then replace tobacco with 100 wt % dry material of this [~~kin~~]kind. Another embodiment is to blend dry Ginkgo biloba L. leaves with a percentage of more than 50 weight and tobacco or other tobacco-used herbs with a percentage of less than 50 weight together.

Please replace the paragraph beginning on Page 6, lines 16-18 with the following:

The process therefor includes producing pure Ginkgo biloba L. leaves cigarette or complex Ginkgo biloba L. leaves cigarette by means of the ordinary process for producing cigarette.

Please replace the paragraph beginning on Page 6, line 19 through Page 7, line 3 with the following:

Example 1

Use dry processed Ginkgo biloba L. leaves, flue-cure them, then cut them into threads after being moist-cured by means of the ordinary process for producing cigarettes.

Please replace the paragraph beginning on Page 7, line 4 with the following:

~~[the]~~The pure Ginkgo biloba L. leaves cigarette ~~[can be]~~is produced by this method.

Please replace the paragraph beginning on Page 7, lines 6-8 with the following:

Use dry processed Ginkgo biloba L. leaves, flue-cure them, then cut them into threads or pieces after being moist-cured. Using the ordinary cigar wrappers, the Ginkgo biloba L. leaves cigar can be produced.

Please replace the paragraph beginning on Page 7, lines 10-13 with the following:

Use dry processed Ginkgo biloba L. leaves 50Kg, cut them into threads or pieces after being moist-cured, then add ordinary tobacco 5Kg, then blend them together. By means of the ordinary process for producing cigarettes, the mixed cigarettes can be produced.

Please replace the paragraph beginning on Page 7, line 15 with the following:

1. [object]Object of the test:

Please replace the paragraph beginning on Page 8, lines 2-5 with the following:

Use Mice of Qunming (a province of China) species provided by standard animal laboratory, 18~21 g weight, and half male and half female. The samples to be tested are made up with distilled water, orally [fill]filled into the stomach in one dose, and observe them for one week.

Please replace the paragraph beginning on Page 9, lines 4-16 with the following:

Because the flavolides, Ginkgolide and bilobalide contained in Ginkgo biloba L. leaves are easy to volatilize, and while the cigarette is burning the temperature is becoming lower and lower from the burning end to the filter, the pharmaceutical active ingredients contained in the cigarette can volatilize with smoke before being destroyed [for]by being overheated. These ingredients are absorbed into the human body and go into the blood circulation by the lung. Smoking Ginkgo biloba L. leaves have obvious effects on preventing hypertension and angiocardopathy, recovering from fatigue, refreshing, stimulating appetite and improving sleep. Long-term smoking of this kind of cigarette substitute can prevent and cure senile dementia disease, hypertension, heart disease, arteriosclerosis, cerebral and brain function failing. It is helpful to intensify memory, build up a good physique and deter senescence.

Please replace paragraph beginning on Page 9, lines 17-20 with the following:

The pure Ginkgo biloba L. leaves cigarette has a good taste, the passive smoker can easily smell its fragrance. As containing no tobacco, it can avoid the harm brought by nicotine and can be used as an ideal product for quitting smoking the tobacco cigarette.

Please replace the paragraph beginning on Page 10, lines 1-5 with the following:

Therefore, the invention of Ginkgo biloba L. leaves is very important to solve the problems of smoking [an]and passive smoking. The Ginkgo biloba L. leaves can be picked artificially. The cigarettes can be produced with ordinary technology. What is more important is that its application can bring us great social effects and economic returns.

## ATTACHMENT FOR CLAIM AMENDMENTS

The following is a marked up version of each amended claim in which underlines indicates insertions and brackets indicate deletions.

1. (Amended) A cigarette produced [by] with Ginkgo biloba L. leaves, characterized in that the cigarette comprises Ginkgo biloba L. leaves as its burnable material[, if necessary, Tobacco can be optionally added therein] to reduce the amount of nicotine which is generated.

2. (Amended) The [Ginkgo biloba L. leaves] cigarette according to Claim 1, wherein the cigarette contains 50wt%~100wt% Ginkgo biloba L. leaves as its burnable material.